REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks. Claims 10 and 11 have been amended. Claims 1-24 remain pending. Claim 10 stands rejected under 35 U.S.C. 112. Claims 1-3, 5, 7, 8, 16, 18, 19, 23 and 24 stand rejected under 35 U.S.C. 102(b). Claims 4, 6, 9, 10-14, 17, and 20-22 stand rejected under 35 U.S.C. 103(a).

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. No new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. §112, first paragraph

Claim 10 stands rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically, the Examiner states that the "claim(s) contains subject matter i.e., an OEM distribution channel, which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application as filed, had possession of the claimed invention. The original specification fails to explain as to how "a channel" becomes a distribution channel. One of ordinary skill in the art would not be able to establish the claimed "distribution channel" without undue experimentation." Applicant has amended claims 10 and 11 to correct the typographical error. Specifically replace the phrase "OEM distribution channel" with the phrase "OEM channel".

Applicant draws Examiner's attention to paragraph number 5 on page 9 of the specification, which provides:

"[5]   The product distributors of legitimate products can also abuse product support. *Often a manufacturer will sell a large quantity of a product in to an original equipment manufacturer (OEM)*. For example, Adaptec may sell a large quantity of SCSI controller

cards to a personal computer manufacturerX. *This is referred to as a sale in the OEM channel*. ManufacturerX purchases the SCSI controller cards to be installed as part of their end product (i.e., a personal computer). Further, manufacturerX agrees to provide product support for the SCSI controller cards as part of the OEM product support they provide for their PCs. Therefore, Adaptec does not include the cost of any product support in the SCSI controller cards sold in the *OEM channel* to manufacturerX. Because Adaptec does not include the cost of product support in the *OEM channel* products, then the *OEM channel* products can be sold to manufacturerX at a lower cost." (emphasis added)

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claim 10, as amended, complies with the written description requirement and respectfully request the withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Rejections under 35 U.S.C. §102(b)

Claims 1-3, 5, 7, 8, 16, 18, 19, 23 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by the Mashinsky reference (US Pat. 5,694,464). Applicant respectfully traverses the rejection as stated in more detail below.

The Mashinsky reference discloses a computerized switching system for connecting a caller and a called party or target by a manual or automated dialer by informing a control station of a PIN or ID number and optionally the service type, and having the call routed based on pre-programmed numbers provided by the called party. The call is routed to a destination that may be based on many factors, including the hour of day, priority of call, service type, destination and origination of caller and other programmed commands. The called party has the ability to administer the routings and direct all call flows, including destination, scanning originator, time, etc. A dialer service pre-programmed with access and PIN numbers may be used to automate these procedures.

As to claims 1, 18 and 24, the Mashinsky reference does not disclose each and every element of the claimed invention. Specifically, the Mashinsky reference does not disclose that *before an agent is notified of a product support request* received from a customer, the support entitlement level is determined by receiving the product support request and a technical support identification (TSID) from the customer.

Validating and classifying the TSID into at least one of several classifications. The classifications can include a contract classification. One of several support level is assigned to the classified TSID. The assigned support level corresponds to the TSID classification.

The Mashinsky reference discloses connecting a telephone call from a caller to a called party. Mashinsky's "telephone call" is not the same as Applicant's *product support request*. As described in the specification a product support request can be a request of technical support or a registration of the product or any one of many different exchanges of information.

Further, Applicant's *product support request* is not limited to Mashinsky's "telephone calls". Applicant's *product support request* can be provided through numerous means including: emails, faxes, interactive website entries, telephone calls, etc.

Further still, Mashinsky's "telephone calls" provides no provision for connecting a telephone caller that lacks a correct or valid access # and pin #. Mashinsky teaches that if either of the access # of the pin # are incorrect or invalid the telephone call will not and cannot even be connected.

In stark contrast, the Applicant's invention *does not preclude* that Applicant's *product support requests* will be "connected" (i.e., received) but rather only that the "TSID is received, validated, classified and the support level assigned *before* an agent is *notified* of the product support request" (emphasis added) and not that the call is precluded or blocked or not allowed. Specifically, Applicant's provides that even product support requests *without* a valid TSID may still be connected and recorded (see claims 10-13 re reporting illicit TSIDs) and also still receive some complimentary support as described in the specification.

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 1, 18 and 24 is not anticipated nor even suggested by the Mashinsky reference, and respectfully request the withdrawal of the rejection under 35 U.S.C. §102(b). Further, claims 2-3, 5, 7, 8, 16, 19 and 23 depend from one of claims 1, 18

and 24 and are patentably distinct over the Mashinsky reference for at least the same reasons set forth for claims 1, 18 and 24. Applicant therefore submits that Applicant's invention as claimed in claims 2-3, 5, 7, 8, 16, 19 and 23 is not anticipated by the Mashinsky reference, and respectfully request the withdrawal of the rejection under 35 U.S.C. §102(b).

Specifically with regard to claim 15, Applicant respectfully traverses the Examiner's assertion that the Mashinsky reference "inherently enabling delivery of the assigned support level". The cited portions of the Mashinsky reference provides:

> "The control station 30, upon receiving a call with a PIN or ID number signifying that a technical service call has been made to a subscribing company, can check its memory bank 32 to see if a given customer has already duplicated the allotted free time." (Col 7, Ln 23-27)

> "For a "call home" service, for example, the system disconnects, at SS3, at which time the system checks the data base to determine the target user or group of users associated with the code entered in memory, and notifies the targets of the call of their need to call the system. The system will try again and again until the targets dial the access number and code ratification by an outdial telepager or other available services. At S4, the system dials the caller while the recipient or target waits to be connected to the system and, once the parties re connected, lets the parties talk for a pre-determined period of time based on the billing arrangement. This way, a party that would like to be reached at any time can simply dial 28 and enter an ID and service type and all callers trying to reach that party will be automatically routed to that ANI number if they or their ANI number fits the service type stored in the data base 32." (Col 7, Ln 50-65)

Applicant respectfully submits that nothing in the cited portions of the Mashinsky reference describes or even suggests "delivery of the assigned support level" and therefore the Mashinsky reference does teach inherently or even directly "enabling delivery of the assigned support level." Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claim 15 is not anticipated by the Mashinsky reference, and respectfully request the withdrawal of the rejection under 35 U.S.C. §102(b).

Rejections under 35 U.S.C. §103(a)

Claims 4, 6, 9, 10-14, 17, and 20-22 stand rejected under 35 U.S.C. 103(a). Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the

Mashinsky reference in view of the Lawrence reference (US Pat. 5,430,866). Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Mashinsky reference in view of the Hughes reference (US Pat. 4,535,204). Claims 9 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Mashinsky reference. Claims 10-14 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Mashinsky reference in view of the Thompson reference (US Pub 2003/0061104). Applicant respectfully traverses these rejections as set forth in more detail below.

The Lawrence reference discloses a data processing system having a pair of mirrored storage units maintains a state record of the mirrored pair in system memory. In order to be able to determine state when the system is re-initialized, this state information is also stored on each storage unit of the mirrored pair, and in an alternate location. When the state changes, the operating system writes the new state to those storage units which are still functioning, and to the alternate location. In order to prevent ambiguous situations, only certain defined state transitions are permitted. When the system is re-initialized, it attempts to read the state information stored on the storage units. If either unit can not be read, the system substitutes the state retrieved from the alternate state record for the state that would have been read from the non-responding unit. This pair of states from the two units index an unique entry in a state derivation table containing the resultant state.

The Hughes reference discloses a telephone dialing system uses a hand-held wand to read telephone numbers represented in bar-code form. The coded numbers are converted to electrical signals, stored and then dialed out in impulse or tone signaling form. A microprocessor implementation and its routines are described. The coded representation may be a 2-out-of-5 code or preferably a hexadecimal code provided by four bars. The hexadecimal allows the provision of characters in addition to numerals 0-9 and enables instructions and other control functions to be entered into and acted upon by the microprocessor. The telephone numbers can be provided on documents such as letterheads or directories. The instruction and control facilities can be generated from labels formed on a pad and containing the hexadecimal codes.

The Thompson reference discloses a warranty support for purchased products is provided by an electronic warranty administrator that maintains a plurality of databases. A first database identifies customers, either individuals or corporate entities having warranted products. A second database identifies the manufacturers of those products. The warranty administrator coordinates between the customer, the manufacturer and a service provider to provide warranty repairs. Unlike conventional extended warranties offered by third parties, the manufacturer remains in the repair process and thereby gains valuable information about the long term satisfaction of the customers. The warranty administrator also provides the manufacturer with a means to contact the customer about other products, product recalls and affinity programs thereby promoting brand loyalty.

As to claim 4 and as stated above the Mashinsky reference does not disclose nor even suggest Applicant's invention as claimed in claim 4. The Lawrence reference does not cure the failures of the Mashinsky reference neither does the combination of the Mashinsky reference and the Lawrence reference. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claim 4 is not rendered obvious by either of the Mashinsky reference or the Lawrence reference, whether considered alone or in any combination, and respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a).

As to claim 6 and as stated above the Mashinsky reference does not disclose nor even suggest Applicant's invention as claimed in claim 6. The Hughes reference does not cure the failures of the Mashinsky reference neither does the combination of the Mashinsky reference and the Hughes reference. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claim 6 is not rendered obvious by either of the Mashinsky reference or the Hughes reference, whether considered alone or in any combination, and respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a).

As to claims 9 and 17 and as stated above the Mashinsky reference does not disclose nor even suggest Applicant's invention as claimed in claims 9 or 17. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in

claims 9 and 17 is not rendered obvious by the Mashinsky reference and respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a).

As to claims 10-14 and 20-22 and as stated above the Mashinsky reference does not disclose nor even suggest Applicant's invention as claimed in claims 10-14 and 20-22. The Thompson reference does not cure the failures of the Mashinsky reference neither does the combination of the Mashinsky reference and the Thompson reference. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claim 6 is not rendered obvious by either of the Mashinsky reference or the Thompson reference, whether considered alone or in any combination, and respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a).

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408) 749-6900, ext 6923.
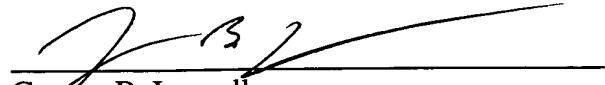
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref ADAPP227) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

Dated: 11/11, 2005

George B. Leavell
Attorney for Applicant
Registration No. 45,436
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
(408) 749-6900 ext 6923